

**MINUTES OF THE JULY 13, 2016  
CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING**

The following are the minutes of the Special Magistrate Hearing held on July 13, 2016 as taken by Jamie Davis

Present at the hearing:

**SPECIAL MAGISTRATE**

Charles D. Johnson

**CODE ENFORCEMENT STAFF:**

Ron Collodi, Code Enforcement Manager  
Dennis Bunt, Code Enforcement Supervisor  
Lisa Douglas, Code Enforcement Officer  
Stan Wilson, Code Enforcement Officer  
Mark Shepherd, Code Enforcement Officer  
Ron Collodi, Code Enforcement Manager  
Jamie Davis, Public Hearing Coordinator

**STAFF ATTORNEY:**

Diana Johnson, Assistant County Attorney

Charles D. Johnson called the meeting of the Special Magistrate to order at 1:00 p.m.

Staff was sworn in by Charles Johnson.

**Code Enforcement:**

**ITEM 6**

**Carlos Losada, SM-2016-03-316**

Respondent was present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 23-99 "Accumulation of Solid Waste Prohibited", Section 23-98 "Junk". Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Carlos Losada testified to the facts of the case and stated his property is now in compliance.

Special Magistrate Charles D. Johnson ordered that within 7 days the Respondent is to contact Code Enforcement Officer Mark Shepherd to meet on the property to confirm compliance. Hearing is abated until August.

**ITEM 7**

**Bernard W. Tacy, SM-2015-09-0003**

Respondent was present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 6-22 "Adoption and Enforcement". Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Bernard Tacy testified to the facts of the case and stated he is continuing to make repairs to the property.

Special Magistrate Charles D. Johnson granted the Respondent 30 days to come into compliance and ordered that Respondent is to contact Code Enforcement Officer Mark Shepherd to do a complete walk-through of the property to see what violations remain. If the Respondent is making substantial efforts to come into compliance, he may request additional time prior to the 30 days expiring. If the Respondent is not in compliance within the 30 days and has not requested additional time, a fine of \$100.00 per day will begin on the 31<sup>st</sup> day.

**ITEM 8**

**Tarpon IV, LLC, SM-2015-04-0138**

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions". Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

**ITEM 10**

**Linda Sue Thompson, SM-2016-02-0098**

Respondents were not present.

File was entered into the evidence.

Diana Johnson stated this case is charging the owner with violation of Section 23-98 "Junk", Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staffs recommendation.

**ITEM 11**

**US Bank National Association as Trustee for Residential Asset Securities Corporation  
Home Equity Mortgage Asset-Backed Pass-Through Certificates, Series 2005-Ks10, SM-  
2016-03-0117**

Respondent was not present.

Diana Johnson stated that this case was charging the owner with violation of Section 23-98 Junk. Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

**ITEM 14**

**George Asbate, SM-2016-04-0035**

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 6-22 "Adoption and Enforcement". Staff recommended the Special Magistrate find the Respondent in violation of this section and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Mark Shepherd testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation and ordered that the county shall be authorized to take the necessary measure to ensure the pool is secure from children.

**ITEM 15**

**Calvin Stubbs & Iris Stubbs, SM-2016-05-0016**

Respondents were not present.

Diana Johnson stated this case is charging the owners with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions". Staff recommended the Special Magistrate find the Respondents in violation of this section and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

**ITEM 16**

**Michael E. Conant & Linda L. Conant, SM-2016-03-0145**

Respondents were not present.

Diana Johnson stated this case is charging the owners with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions", Section 23-99 "Accumulation of Solid Waste Prohibited" and Section 23-98 "Junk". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Lisa Douglas testified to the facts of the case and requested additional time for the Respondents to come into compliance.

Special Magistrate Charles D. Johnson accepted staff's recommendations and granted the Respondents 45 days to come into compliance.

**ITEM 17**

**Sergio Padilla, SM-2016-03-0161**

Respondent was present and sworn.



Diana Johnson stated this case is charging the owner with violation of Section 23-98 "Junk", Section 23-99 "Accumulation of Solid Waste Prohibited", Section 14-56 "Declaration of Nuisance and Prohibited Conditions" and Section 3.06.03 "Permitted Parking". Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Lisa Douglas testified to the facts of the case.

Sergio Padilla testified to the facts of the case and requested additional time to come into compliance.

Special Magistrate Charles D. Johnson accepted staff's recommendation and granted 30 days to come into compliance. Respondent may request additional time prior to the 30 days expiring if they are making substantial efforts to come into compliance.

#### **ITEM 18**

##### **Carolyn Michael and any Unknown Heirs of Carolyn Michael, SM-2016-01-0269**

Respondent was not present.

Diana Johnson stated this case is charging the owner with violation of Section 14-56 "Declaration of Nuisance and Prohibited Conditions", Section 23-98 "Junk" and Section 23-99 "Accumulation of Solid Waste Prohibited". Staff recommended the Special Magistrate find the Respondent in violation of these sections and grant 14 days to comply or a fine of \$50.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Lisa Douglas testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendation.

#### **ITEM 19**

##### **Cynthia Ann Hastings & James W. Hastings Jr., SM-2016-04-0010**

James Hastings was present and sworn.

Diana Johnson stated this case is charging the owner with violation of Section 23-98 "Junk", Section 23-99 "Accumulation of Solid Waste Prohibited" and Section 14-56 "Declaration of Nuisance and Prohibited Conditions". Staff recommended the Special Magistrate find the Respondents in violation of these sections and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Lisa Douglas testified to the facts of the case.

Code Enforcement Manager, Ron Collodi, offered testimony.

James Hastings requested additional time to come into compliance.

Special Magistrate Charles D. Johnson accepted staffs recommended and granted 30 days to come into compliance.

**ITEM 21**

**Alvin T. Gaskins & Cindy M. Gaskins, SM-2015-11-0163**

Respondents were not present.

Garrett Paquette, current owner, was present and sworn.

Diana Johnson stated the facts of the case and that the new owner, Garrett Paquette is requesting a reduction of the fine that totals \$3,150.00.

Garrett Paquette testified to the facts of the case.

Special Magistrate Charles D. Johnson reduced the fine to \$500.00.

**ITEM 22**

**Daniel T. Gooden, Linda A. Gooden, Cathy Leonardo, Michael C. Leonardo, Vincenza Leonardo, SM-2014-04-0181**

Respondents were not present.

Diana Johnson stated that this case previously went to hearing on March 9, 2016 but was postponed to provide time for the parties to discuss whether a proposed tent could be considered a completely enclosed structure. Staff recommended the Special Magistrate find the Respondents in violation of Section 23-98 "Junk" (Former Section 21-25 "Abandoned Property") and grant 14 days to comply or a fine of \$100.00 per day to begin on the 15<sup>th</sup> day if not in compliance.

File was entered into evidence.

Officer Stan Wilson testified to the facts of the case.

Special Magistrate Charles D. Johnson accepted staff's recommendations.

**ITEM 23**

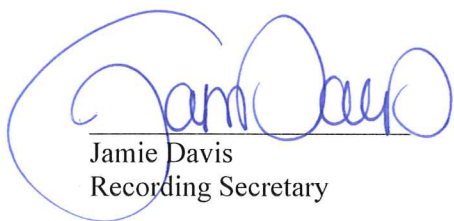
**Robert C. Smith JR., SM-2015-09-0084**

Respondent was present and sworn.

Robert C. Smith Jr., presented his motion for stay pending review to the Special Magistrate.

Diana Johnson stated she had no objections but requested that once the appeal is finalized and if it is denied that the stay can be automatically lifted and the fine can revert back to its original date.

Special Magistrate Charles D. Johnson granted the Respondent's motion to stay and reserved jurisdiction to address after the stay is lifted all other issues.



Jamie Davis  
Recording Secretary

Receipt of the minutes as prepared of the July 13th, 2016 hearing is acknowledged this 10 day  
of Aug 2016.



Charles D. Johnson Special Magistrate